

**ROSEBUD SIOUX TRIBAL COUNCIL
MEETING MINUTES
FEBRUARY 02, 2004**

Chairman Charles Colombe called the meeting to order at 10:35 a.m. Roll call was taken with thirteen (13) council representatives answering thereby constituting a quorum. They were as follows:

Heather Burnette	Wayne Boyd	Jo Colombe
Rick Young	Willard Henry	Patsy Valandra
Marion Young One Star	Robert Becker	Rodney Bordeaux
Lenard Wright	Ken LaDeaux	Russell Eagle Bear
Glen Quick Bear		

Council representatives entering after roll call:

Steve Denoyer Jr.	Darrell Marcus	Robert Shot
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Council representatives who were absent:

Darrell Herman	Eddie Farmer	Darlene Metcalf
Cliff Chasing Hawk		

Other officers present: Vice Chairman Norman Wilson, Secretary Gerri Night Pipe, Treasurer James Wike and Sergeant At Arms Glen Yellow Eagle.

INVOCATION – Russell Eagle Bear gave the invocation with a special remembrance for the Horse Looking family.

SOCIAL SERVICES COMMITTEE – Voting by secret ballot for four at-large positions on the Social Services Committee, the results were: Wanda Brave/McCauley – 07 votes, **Eva Iyotte – 12 votes**, Antoinette Miller – 05 votes, Eric Nixon – 07 votes, **Betty Red Owl – 10 votes, Janet Sierra – 08 votes.**

A run off was held for the two tied votes of 07, and the results were: Wanda Brave/McCauley – 04 votes and **Eric Nixon – 07 votes.**

Motion by Heather Burnette to seat the four top vote-getters: Eva Iyotte, Betty Red Owl, Janet Sierra and Eric Nixon on the Social Services Committee. Seconded by Rodney Bordeaux. Questioned by Robert Becker. Vote: 11 for, 0 opposed, 02 not voting.
MOTION CARRIED

Motion by Lenard Wright to present Resolution 04-10 as emergency legislation. Seconded by Ken LaDeaux. Questioned by Heather Burnette. Vote: 12 for, 0 opposed, 01 not voting. **MOTION CARRIED**

Motion by Lenard Wright to approve Resolution 04-10 to urge the SD Governor and Senators Daschle and Johnson to support the passage of the South Dakota Indian Child

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Welfare Act. Seconded by Ken LaDeaux. Questioned by Heather Burnette. Vote; 12 for, 0 opposed, 01 not voting. MOTION CARRIED

Motion by Russell Eagle Bear that the administration come back with a plan of action and a review on social services within thirty days. Seconded by Rick Young. Questioned by Heather Burnette. Vote: 13 for, 0 opposed, 01 not voting. MOTION CARRIED

Motion by Lenard Wright to reconsider Resolution 02-08. Seconded by Rodney Bordeaux. Questioned by Rick Young. Vote: 12 for, 0 opposed, 02 not voting. MOTION CARRIED

Motion by Lenard Wright to approve Resolution 02-108 as amended, to direct immediate removal and reunification of Karissa Dillon and directs the RST Court to accept jurisdiction and to order the State of South Dakota, the State Seventh Circuit Court to transfer the case to the RST Court as required by the policy of the Indian Child Welfare Act. Seconded by Rick Young. Questioned by Russell Eagle Bear. Vote: 13 for, 01 opposed, 01 not voting. MOTION CARRIED

Motion by Lenard Wright to present Resolution 04-11 as emergency legislation. Seconded by Heather Burnette. Questioned by Rick Young. Vote: 15 for, 0 opposed, 0 not voting. MOTION CARRIED

Motion by Lenard Wright to approve Resolution 2004-11 to support the immediate reunification of four children and directs Hennepin County to provide the mother with any and all services necessary to facilitate immediate reunification. Seconded by Heather Burnette. Questioned by Russell Eagle Bear. Vote: 06 for, 05 opposed, 04 not voting. MOTION CARRIED

For the record, Steve Denoyer, Jr. didn't support the last resolution because we don't have the authority to direct any county or court to transfer cases and because he doesn't want these kind of resolutions to hurt any other ICWA cases.

Motion by Heather Burnette to get a report and to hold a special council meeting on ICWA during the first week of March. Seconded by Steve Denoyer Jr. Questioned by Rick Young. Vote: 12 for, 0 opposed, 03 not voting. MOTION CARRIED

Motion by Lenard Wright to present Resolution 04-12 to establish a policy prohibiting termination of parental rights in Child Protection and Indian Child Welfare cases, as emergency legislation. Seconded by Heather Burnette.

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Motion by Rodney Bordeaux to table Resolution 04-12. Seconded by Ken LaDeaux. Vote: 12 for, 0 opposed, 03 not voting. MOTION CARRIED

LUNCH BREAK AT 12:41 P.M./BACK INTO SESSION AT 2:10 P.M.

SWA – SWA CEO Amos Prue was given the floor to address the Tribe's request for information regarding the purchase of the used trailer houses that were in turn purchased by tribal members. He explained that during the transition of the old Indian Housing Act over to NAHASDA, the IG was invited down to look at the documents at Housing; and one of the things they found as a disallowed cost was the purchase of the used mobile homes. Other disallowed costs included ineligible costs related to board meetings, IRS tax penalties and bank overdraft charges. The Board approved SWA Resolution 03-15 and resolved that in order to clear Finding 6 – Deficient Controls Over Travel and Related Costs, the SWA Corporation will commit to the Northern Plains Office of Native Americans Program (NPONAP) to offset ineligible cost amount against future NAHASDA grant funds. Council discussion followed.

Motion by Russell Eagle Bear that we concur with the SWA Corporation Resolution 03-15 to offset the ineligible cost amount against future NAHASDA grant funds. Seconded by Rick Young. Questioned by Robert Becker. Vote: 12 for, 01 opposed, 02 not voting. MOTION CARRIED

BREAK AT 3:27 P.M. TO HOLD A CONFERENCE CALL WITH RANDALL AKERS REGARDING HOUSING/BACK INTO SESSION AT 4:14 P.M.

TECRO – Motion by Jo Colombe to appoint Floyd Reynolds to the TECRO Commission as recommended by the TECRO Board of Commissioners. Seconded by Rodney Bordeaux. Questioned by Heather Burnette. Vote: 02 for, 09 opposed, 04 not voting. MOTION DEFEATED

Voting by secret ballot for the two vacancies on the TECRO Board, the results were: Eva Iyotte – 1 vote, Billy Joe Crow Eagle – 01 vote, Carl Waln – 0 votes, David W. Whiting – 01 vote, Tez Duysak, Jr. – 02 votes, Verdell Metcalf – 02 votes, **Floyd Reynolds – 04 votes**, Eileen Lafferty – 03 votes, Mary Valdez – 0 votes, Naomi Good Shield – 03 votes, Betty Red Owl – 01 vote, Ronald Neiss – 01 vote, Conrad Black Bear – 0 votes, **Glen Yellow Eagle – 05 votes**, Ed Clairmont – 0 votes, Pete Reynolds – 03 votes.

Motion by Jo Colombe to seat Glen Yellow Eagle and Floyd Reynolds on the TECRO Board of Commissioners. Seconded by Heather Burnette. Questioned by Willard Henry. Vote: 11 for, 0 opposed, 04 not voting. MOTION CARRIED

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Chairman Colombe reported to the council that he has put Tammi Young on as the TECRO Director without probation and Tim Cournoyer will be the Game, Fish and Parks Director (hired by the council),

Motion by Willard Henry to concur with the Chairman's action of transferring the Personnel Director (Tammi Young) to the TECRO Office. Seconded by Robert Becker. Questioned by Ken LaDeaux. Vote: 11 for, 02 opposed, 02 not voting. MOTION CARRIED

TUC – Tony Roger, TUC Director, addressed the council about the cellular tower lease agreements that are being reviewed by the attorneys and they are waiting for the comments from Terry Pechota, Steve Emery and Bob Gough. Western Wireless wants to contract for cellular services.

Discussion was held on the Tribe withdrawing from the Inter-tribal Council On Utility Policy. The Board passed a motion to do so at a September 03, 2003 meeting, and to request that a portion of the Tribe's dues to be paid back. This is due to the fact that the tribe is having problems after requesting financial records, billing information and that the behavior of the President of ICOUP is unprofessional when dealing with the TUC and the Tribal Finance Department. Chairman Colombe stated that he would have Whitney Meek from the Revenue Office request audit information from ICOUP.

Mr. Rogers distributed copies of Robert Gough's tribal utility consultant contract for 2003 & 2004 for the council to review and approve. No action was taken on the contracts.

TLE - Motion by Rodney Bordeaux to present Resolutions 04-13, 04-14, 04-15 & 04-16 as emergency legislation. Seconded by Steve Denoyer Jr. Questioned by Patsy Valandra. Vote: 12 for, 0 opposed, 03 not voting. MOTION CARRIED

Motion by Rodney Bordeaux to approve Resolution 04-13 for the withdrawal of funds for TLE from FMHA Lease Income Account No. PL7397703. Seconded by Rick Young. Questioned by Russell Eagle Bear. Vote: 11 for, 02 opposed, 02 not voting. MOTION CARRIED

Motion by Rodney Bordeaux to approve Resolution 04-14 for the withdrawal of funds for TLE from the Certificate/Land Purchase Account No. PL7399709. Seconded by Rick Young. Questioned by Steve Denoyer Jr. Vote 12 for, 01 opposed, 02 not voting. MOTION CARRIED

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Motion by Rodney Bordeaux to approve Resolution 04-15 for the withdrawal of funds for TLE from the FMHA Reserve Account No. PL7398701. Seconded by Steve Denoyer Jr. Questioned by Rick Young. Vote: 12 for, 0 opposed, 03 not voting. MOTION CARRIED

Motion by Rodney Bordeaux to table Resolution 04-16 for TLE to enter into an agreement to place land under the management of TLE for certificates of interest.. Seconded by Russell Eagle Bear. Vote: 14 for, 0 opposed, 01 not voting. MOTION CARRIED

LAND & NATURAL RESOURCES COMMITTEE - Motion by Russell Eagle Bear to approve as presented, the memo from the Game, Fish & Parks Department for the Spring Turkey and Black Tailed Prairie Dog season dates, prices and number of tags. Seconded by Jo Colombe. Questioned by Willard Henry. Vote: 11 for, 0 opposed, 04 not voting. MOTION CARRIED

Motion by Russell Eagle Bear to present Resolutions 04-17 & 04-18 as emergency legislation. Seconded by Rodney Bordeaux. Questioned by Patsy Valandra. Vote: 14 for, 0 opposed, 01 not voting. MOTION CARRIED

Motion by Russell Eagle Bear to approve 04-17 to demand that restitutions be made to the Phister Creek School Bridge replacement project; and that the GPRO, BIA Area Director resolve the restitution demands prior to issuing the pre-construction meeting date and the Notice To Proceed. Seconded by Rick Young. Questioned by Ken LaDeaux. Vote: 14 for, 0 opposed, 01 not voting. MOTION CARRIED

Motion by Russell Eagle Bear to approve Resolution 04-18 to demand that restitutions be made to the Spring Creek School Bridge replacement project and that the GPRO, BIA Area Director resolve the restitution demands prior to issuing the pre-construction meeting date and the Notice To Proceed. Seconded by Steve Denoyer Jr. Questioned by Ken LaDeaux. Vote: 13 for, 0 opposed, 02 not voting. MOTION CARRIED

TRANSPORTATION COMMITTEE – Rick Young nominated **Darrell Marcus**. Willard Henry nominated **Steve Denoyer, Jr.** Ken LaDeaux nominated **Lenard Wright**. Rick Young nominated **Wayne Boyd**.

Motion by Rick Young to cease nominations. Seconded by Darrell Marcus. Vote: 11 for, 0 opposed, 04 not voting. MOTION CARRIED

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Motion by Rick Young to seat Darrell Marcus, Steve Denoyer Jr., Lenard Wright and Wayne Boyd. Seconded by Patsy Valandra. Vote: 12 for, 0 opposed, 03 not voting.
MOTION CARRIED

CONSTITUTIONAL CONVENTION TASK FORCE – Task force member Linda Marshall reported that the task force held their first meeting on Saturday, January 31, 2004. They came up with the dates for the hearings to receive proposed amendments to the constitution.

Motion by Patsy Valandra that in accordance with Ordinance 87-06, the Rosebud Sioux Tribal Council shall call for a Constitutional Convention commencing with the approved appointment of the seven member Constitutional Convention Task Force of January 27, 2004; and that that council approve the recommended dates for those hearings. Seconded by Rick Young. Questioned by Heather Burnette. Vote: 12 for, 0 opposed, 03 not voting.
MOTION CARRIED


LIEAP – LIEAP Director Eileen Shot distributed a memo to President Colombe addressing the notice from Senator Johnson announcing that the South Dakota LIHEAP Programs will be receiving additional emergency funding. She contacted the funding agency in Washington, DC and they informed her that this is not additional funding, There could be additional funding but there is no guarantee of the amount, it may not be much more.

Chairman Colombe stated that he will contact Roger Campbell and set up a meeting for additional funding.

ADJOURNMENT – Motion by Rick Young to adjourn the meeting. Seconded by Wayne Boyd. Vote: 10 for, 0 opposed, 05 not voting. **MOTION CARRIED**

Chairman Colombe adjourned the meeting at 7:25 p.m.

ATTEST:


Gerri Night Pipe, Secretary
Rosebud Sioux Tribe